

6.16 PUBLIC RECORDS

RCW 42.56.040(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

These rules provide information to persons wishing to request access to public records and establish processes for both requestors and staff that are designed to best assist members of the public in obtaining such access.

Contact Information

Any person wishing to request access to public records or seeking assistance in making such a request should contact the Library Director at 116 S. Washington Ave., Newport, WA 99156 or by calling 800-366-3654.

The Library Director will oversee compliance with the act but another library staff member may process the request. Therefore, these rules will refer to the Director "or designee."

Availability of Public Records

Hours for inspection of records: Public records are available for inspection and copying during normal business hours Monday through Friday, 10:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the Administrative Office, 116 S. Washington Avenue, Newport, WA.

Organization of records: The library will maintain its records in a reasonably organized manner and will take reasonable actions to protect records from damage and disorganization.

Making a request for public records: Any person wishing to inspect or copy public records should make the request in writing via email or by letter addressed to the Director and including the following information:

- Name and address of requestor;
- Other contact information, including telephone number and email address;
- Identification of the public records adequate for the Director or designee to locate the records; and
- The date and time of day of the request.

(a) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records. Standard photocopies will be provided at 10 cents per page.

Processing of Public Records Requests

Acknowledging receipt of request. Within five (5) business days of receipt of the request, the Director or designee will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment for the copies, if any, is made, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Director or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

Consequences of failure to respond. If the Library does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the Director to determine the reason for the failure to respond.

Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Director may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the library believes that a record is exempt from disclosure and should be withheld, the Director will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Director will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user is exempt from disclosure under RCW 42.56.310.

Inspection of records.

(a) Consistent with other demands, the library shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of library notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails claim or review the records within the thirty-day period or make other arrangements, the library may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

Providing copies of records. After inspection is complete, the Director or designee shall make the requested copies or arrange for copying.

Providing records in installments. When the request is for a large number of records, the Director or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the Director or designee may stop searching for the remaining records and close the request.

Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the Director or designee will indicate the library has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Director will close the request and indicate to the requestor that the library has closed the request.

Later discovered documents. If, after informing the requestor that all available records have been provided, the library becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Exemptions

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute"

exempts or prohibits disclosure. The Director or designee should be aware of the exemptions, outside the Public Records Act, that restrict the availability of some documents held by the library.

Costs of Providing Copies of Public Records

Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for 10 cents per page and color copies for the amount set forth in the library fee schedule. Payment is expected in advance.

Costs of mailing. The library may also charge actual costs of mailing, including the cost of the shipping container.

Payment. Payment may be made by cash or check to Pend Oreille County Library District.

Review of Denials of Public Records

Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Director for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Director or designee denying the request.

Consideration of petition for review. The Director shall promptly provide the petition and any other relevant information to the Pend Oreille County Library Board of Trustees. The trustees will promptly consider the petition, either affirm or reverse the denial, or shall provide the petition and any other relevant information to the Library's attorney of record within two (2) business days following receipt of the petition, or within such other time as the library and the requestor mutually agree to.

Judicial review. Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550, regardless of any internal administrative appeal.

Revision History

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